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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/592,087	06/12/2000	Tariq Khalidi	10015-pa	4895
37095	7590	05/13/2004	EXAMINER	
BERNHARD KRETEN, ESQ & ASSOCIATES 1331 GARDEN HIGHWAY SUITE 300 SACRAMENTO, CA 95833			PATEL, JAGDISH	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 05/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/592,087

Applicant(s)

KHALIDI, TARIQ

Examiner

JAGDISH PATEL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-36 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

DETAILED ACTION

*Response to Amendment*

1. This communication is in response to amendment filed 2/23/04.

*Response to Arguments*

2. The applicant's arguments regarding cited references used in rejections of claims 1-36 are persuasive. Accordingly, rejections cited in prior office action dated 8/14/2003 are withdrawn. However, it is asserted that the present application contains a number of distinct inventions which pertain to business processes and apparatus to practice business processes. Proper search and analysis of claimed inventions require restriction to one of the inventions identified in the following paragraphs.

*Election/Restrictions*

3. This application contains nine distinct inventions outlined as follows. Restriction to one of the inventions is required under 35 U.S.C. 121:

Group I (claims 1-7 and 12-19)

Directed to a process for competitive bidding, which comprises preparing a bid from combination of an in-house bid and an outsourced bid wherein a bid package is sequestered into a plurality of modules.

Group II (claims 8-11)

Directed to a process for competitive bidding, which comprises outsourcing modules (which constitute a project) where each module is outsourced based upon a specified tier N of a buyer.

Group III (claim 20)

Directed to a system for qualifying suppliers for a project to be competitively bided wherein the system comprises means for sequestering those potential suppliers that at least meet

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a threshold statistical weight representing minimum requirements of a set of criteria into a separate set.

Group IV (claim 21) is directed to a system for elimination of an increase in price without added value for at least one good or service being provide by a pass-through supplier wherein the system comprises means for a user to go directly to the source of at least one good or service instead of a pass-through supplier.

Group V (claims 22-24) is directed to a system for competitive bidding which comprises means to confirm a buyer or seller is a registered entity wherein registration is a confirmation of the buyer or seller's identity and means to check that the system can provide the requested service in the desired geographic region and to confirm all languages needed to complete the requested service are available.

Group VI (claims 25-31) is directed to a needs assessment, resource management, procurement and contracts management system, which comprises a means to manage at least one contact between the resources used to procure goods and services and the end user need.

Group VII (claim 32) is directed to an automated process for procurement and resource management which comprises outsourcing by requisitioning at least one of goods and services from searching multiple industries and market sectors, generating a contract or a purchase order between a buyer and a seller from a bid package and managing delivery schedule for the goods and services between the buyer and the seller.

Group VIII (claim 33) is directed to an automated process for procurement and resource management, which comprises creating generic web sites that invoke a specific category of buyers based on a common attribute and creating buyer specific web sites that invoke a specific category of buyers based on a common attribute.

Group IX (claim 34-36) is directed to a system for providing the appearance of direct transactions between buyers and sellers comprises at least a means to provide the appearance that a buyer at a website conducts a transaction directly with a seller at another website, said direct transaction conduction including means to obscure the existence of a non-direct party.

4. The inventions are distinct, each from the other because of the following reasons:

The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)).

In this case, the process as claimed in Groups I, II, VII and VIII can be practiced by another materially different apparatus than those recited in claims III-VI and IX. For example, an apparatus to perform process of Group I requires that a bid is prepared from combination of an in-house bid and an outsourced bid wherein a bid package is sequestered into a plurality of modules. Since none of the apparatus of groups III-VI and IX perform at least this process of Group I, a restriction between process claims of Group I and apparatus of groups III-VI and IX is proper. Similarly, it can be shown that the processes recited in Groups II, VII and VIII can be practiced by another materially different apparatus or by hand.

Alternatively, it can also be demonstrated that the apparatus as claimed in groups III-VI and IX can be used to practice another and materially different process than those of inventions of process claims of Groups I, II, VII and VIII. As an example, apparatus of Group III (claim 20) is directed at qualifying suppliers for a project to be competitively bided which comprises means for sequestering those potential suppliers that at least meet a threshold statistical weight representing minimum requirements of a set of criteria into a separate set. None of the aforementioned groups of process claims require this element of system claim 20.

Inventions of Apparatus claims of Groups III-VI and IX and process claims I, II, VII and VIII are distinct inventions from each other related as subcombinations.

Exemplary analysis:

Inventions of Groups III and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of group III has separate utility such as qualifying suppliers for a project to be competitively bided and sequestering those potential

suppliers that at least meet a threshold statistical weight representing minimum requirements of a set of criteria into a separate set. See MPEP § 806.05(d).

Inventions of Groups I and II are related as subcombinations disclosed as usable together in a single combination. . In the instant case, invention of group II has separate utility such as outsourcing modules (which constitute a project) where each module is outsourced based upon a specified tier N of a buyer. See MPEP § 806.05(d).

Thus, it has been demonstrated that each apparatus of inventions of Groups III-VI and IX are distinct from each other and that each process of inventions of Groups III-VI and IX are distinct from each other. It has also been demonstrated that the process as claimed can be practiced by another materially different apparatus or by hand, and the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)).

5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

6. A telephone call was made to Bernhard Kreten (Reg No. 27,037) on 5/10/04 to request an oral election to the above restriction requirement, but did not result in an election being made.

7. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jagdish Patel whose telephone number is (703) 308-7837. The examiner can normally be reached Monday-Thursday from 8:00 AM to 6:00 PM.

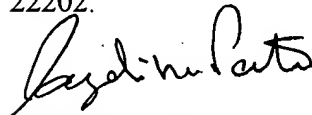
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1038. The fax number for Formal or Official faxes to Technology Center 3600 is (703) 305-7687. Draft faxes may be submitted directly to the examiner at (703) 746-5563.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113 or 308-1114.

Address for hand delivery is 2451 Crystal Drive, Crystal Park 5, 7th Floor, Alexandria VA

22202.



Jagdish N. Patel

(Primary Examiner, AU 3624)